

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHAUN RUSHING,

Plaintiff,

-against-

METRO TRANSIT AUTHORITY,

Defendant.

1:24-CV-4605 (LTS)

ORDER OF DISMISSAL
UNDER 28 U.S.C. § 1651

LAURA TAYLOR SWAIN, Chief United States District Judge:

In an order dated January 3, 2022, the Court barred Plaintiff from filing any new civil action in this court *in forma pauperis* (“IFP”) without first obtaining from the court leave to file.

See Rushing v. Extra Space Storage, ECF 1:21-CV-9113, 5 (LTS) (S.D.N.Y. Jan. 3, 2022).

Plaintiff files this new *pro se* civil action in this court, seeks IFP status,¹ and has not sought leave to file from the court. The Court therefore dismisses this action without prejudice for Plaintiff’s failure to comply with the Court’s January 3, 2022 order in *Rushing*, ECF 1:21-CV-9113, 5.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and, therefore, IFP status is denied for the purpose of an appeal.

See Coppededge v. United States, 369 U.S. 438, 444-45 (1962).

¹ Under Rule 5.2(a)(3) of the Federal Rules of Civil Procedure, a court submission must not refer to a minor child’s full name; it may only refer to a minor child by using the child’s name’s initials. Fed. R. Civ. P. 5.2(a)(3). Plaintiff, in his IFP application, however, appears to reveal the full name of a minor child. Thus, in light of Rule 5.2(a)(3), and in an abundance of caution, the Court has directed the Clerk of Court to restrict electronic access to Plaintiff’s IFP application to a “case participant-only” basis.

The Court directs the Clerk of Court to enter a judgment dismissing this action for the reason set forth in this order.

SO ORDERED.

Dated: August 23, 2024
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge